

January 13, 2005

President's Committee for Purchase from
People Who Are Blind or Severely Disabled
G. John Heyer
1421 Jefferson Davis Highway
Jefferson Plaza 2, Suite 10800
Arlington, VA 22202-3259

Office of Management and Budget
Ms. Katherine Astrich, Policy Analyst
Office of Information and Regulatory Affairs
Eisenhower Executive Office Building
725 17th Street, N.W.
Washington, DC 20502

Dear Sirs and Mesdames:

On behalf of Good Works, Inc. we are writing to express our opposition to the proposed notice of rulemaking [Docket No. 2004-01-01] from the President's Committee for Purchase From People Who Are Blind or Severely Disabled. The proposed rulemaking on governance standards for central nonprofit agencies and nonprofit agencies participating in the Javits-Wagner-O'Day (JWOD) Program exceeds the scope of the Committee's authority and Congressional mandate.

Good Works, Inc. provides switchboard services twenty-four hours per day, seven days per week at Fairchild Air Force Base in Spokane, Washington. Through this Air Mobility Command contract we employ seven operators with severe disabilities who otherwise would not have employment due to their significant barriers. Our operators consistently receive high marks for their customer service and efficiency.

The authorizing statute for the JWOD Program clearly delineates the powers and responsibilities of the Committee (41 CFR 51-2.2, E.S.C. § 46). These powers and responsibilities do not extend to governance standards or executive compensation. Both Congress and the Internal Revenue Service (IRS) have jurisdiction over these areas. The Committee is mandated with determining which commodities and services should be on the Committee's procurement list and their fair market prices and with informing federal agencies about the JWOD Program.

As a participating JWOD agency, we would hope that the Committee would comply fully with the Congressional intent to provide employment and training opportunities for persons who are blind or have other severe disabilities and would not delve into areas for which it lacks both the Congressional and statutory authority necessary to promulgate governance and other standards.

The proposed rules will impact the entire community of participating nonprofit agencies, despite the Committee's own comment that "the overwhelming majority of JWOD-affiliated central nonprofit agencies and nonprofit agencies operate in an ethical and accountable manner."

The statutory authority and regulations, as well as the legislative history, in addition to the applicable federal case law, do not support the Committee's actions. Furthermore, we have concerns understanding the rationale for the Committee to purport to assume regulatory authority over the governance standards for nonprofit, tax-exempt 501(c) (3) organizations, because numerous federal entities exist to regulate these organizations.

If all nonprofit organizations were restricted to the managerial compensation levels specified in the proposed rules, many would be unable to attract and retain the most experienced and talented personnel, particularly in high-cost-of-living metropolitan areas. The resulting loss of talent and "brain drain" would, over years, reduce employment and training opportunities for blind and disabled citizens.

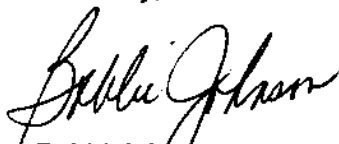
The proposed rules raise significant Constitutional concerns. Both nonprofit and for-profit agencies regularly compete for government contracts. Nonprofits compete against companies as large as Lockheed Martin and Boeing. We have not found other circumstances where the ability to participate in government contracting is contingent upon a certain corporate governance structure of the participating vendor.

If the proposed rules were to become final, only nonprofit agencies desiring to participate in the JWOD Program would be subject to this unique level of regulation. There is no rationale for such disparate treatment of nonprofit organizations desiring to participate in the JWOD Program and no precedent for establishing a cap on executive compensation or imposing governance rules as a prerequisite to participating in government contracting. Furthermore, information about nonprofit CEO compensation is readily available to the public and Committee staff on the Internal Revenue Services' 990 Form.

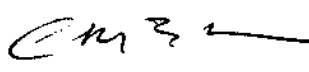
We urge the Committee not to adopt these misguided regulations, which are overreaching and not in the best interest of maintaining the JWOD Program. The proposed rules are not the proper mechanism to effect change on issues such as governance.

We believe that the proposed rules do not advance the Congressional intent of the enacting JWOD legislation, and would, if adopted, diminish the program's ability to increase the employment opportunities for the blind and disabled. We respectfully request that the Committee withdraw these rules.

Sincerely,



Bobbi Johnson
President, Chairperson



Clark Brekke
Vice President



Gail Kogle
Operations Manager